THE NAVAJO NATION

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Navajo Nation Environmental Protection Agency – Air Quality Control/Operating Permit Program
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TITLE V PERMIT TO OPERATE

PERMIT #:	FACILITY NAME:	LOCATION:	COUNTY:	STATE:
NN-ROP-13-06	NAVAJO GENERATING STATION	PAGE	COCONINO	AZ

ISSUE DATE:	EXPIRATION DATE:	AFS PLANT ID:	PERMITTING AUTHORITY:
XX/XX/2014	XX/XX/2019	04-005-N0423	NNEPA

ACTION/STATUS: PART 71 OPERATING PERMIT RENEWAL ISSUANCE

Robert K. Talbot, Plant Manager
Navajo Generating Station
P.O. Box 850
Page, Arizona 86040

Re: Issuance of Title V Operating Permit Renewal to Navajo Generating Station

Dear Mr. Talbot:

In accordance with the provisions of Title V of the Clean Air Act; 40 CFR Part 71; Navajo Nation Operating Permit Regulations §§ 404, 405(C)-(E), and subpart VI; 2004 Delegation Agreement § VI(1) and (7); 2006 Supplemental Delegation Agreement; and all other applicable rules and regulations, the Permittee, Navajo Generating Station, is authorized to operate air emission units and to conduct other air pollutant-emitting activities in accordance with the permit conditions listed in this permit.

Terms and conditions not otherwise defined in this permit have the same meaning as assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable under the Clean Air Act by U.S. EPA, as well as by persons as defined in the Clean Air Act, and by NNEPA only as provided in the May 2005 Voluntary Compliance Agreement (VCA) between the Salt River Project, Arizona Public Service Company, and Navajo Nation.

This permit is valid for a period of five (5) years and shall expire at midnight on the date five (5) years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

_____
Date

_____
Stephen B. Etsitty
Executive Director
Navajo Nation Environmental Protection Agency

Abbreviations and Acronyms

Administrator	Administrator of the U.S. EPA
AR	Acid Rain
ARP	Acid Rain Program
BART	Best Available Retrofit Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
DC	Dust Collector
ESP	Electro Static Precipitator
FGD	Flue Gas Desulfurization
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
lb	pound
LNB/SOFA	Low-NO_X Burner (LNB) and Separated Overfire Air (SOFA) system
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
MW	Megawatts
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Nonmethane Hydrocarbons
NNEPA	Navajo Nation Environmental Protection Agency
NNOPR	Navajo Nation Operating Permit Regulations
NO_X	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM-10	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
QIP	Quality Improvement Plan
RHR	Regional Haze Rule
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO_2	Sulfur Dioxide
US EPA	United States Environmental Protection Agency
VCA	Voluntary Compliance Agreement
VOC	Volatile Organic Compounds

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I. Source Identification

- Managing Participant Name: Salt River Project Agricultural Improvement and Power District (SRP)*
- Managing Participant Mailing Address: P.O. Box 52025, PAB 352
  Phoenix, Arizona 85072-2025

*Note: This facility is co-owned by 6 entities. SRP is listed as the managing participant in this permit since it acts as the facility operator and has accepted the responsibility to obtain environmental permits for Navajo Generating Station, including an Acid Rain permit and Part 71 Permit. In addition to SRP, the other 5 co-owners of this facility are:

1. U.S. Bureau of Reclamation (USBR)
2. Los Angeles Department of Water and Power (LADWP)
3. Arizona Public Service Company (APS)
4. Nevada Power Company (NPC)
5. Tucson Electric Power (TEP)

- Plant Name: Navajo Generating Station
- Plant Location: 5 miles east of Page, AZ off U.S. Highway 98
  Page, Arizona
- County: Coconino, Arizona
- EPA Region: 9
- Reservation: Navajo Nation
- Tribe: Navajo
- Company Contact: Paul Ostapuk Phone: (928) 645-6577
  Barbara Cenalmor Phone: (602) 236-2322
- Responsible Official: Robert K. Talbot Phone: (928) 645-6217
- EPA Contact: Geoffrey Glass Phone: (415) 972-3498
- Tribal Contacts: Eugenia Quintana Phone: (928) 871-7800
  Tennille Begay Phone: (928) 729-4248
- SIC Code: 4911
- AFS Plant Identification Number: 04-005-N0423
- Description of Process: The facility is 2,250 Net Megawatt coal-fired power plant.

- Significant Emission Units:

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Commenced Construction Date	Control Method
U1/ Stack S1	One (1) pulverized coal-fired boiler, using No. 2 fuel oil for ignition fuel. Stack S1 is equipped with SO_2, NO_X, and CO CEMS and a COMS.	7,410 MBtu/hr; 750 Net MW	1970	ESP1; FGD system SCBR1 (1999); LNB/SOFA*(2011)
U2/ Stack S2	One (1) pulverized coal-fired boiler, using No. 2 fuel oil for ignition fuel. Stack S1 is equipped with SO_2, NO_X, and CO CEMS and a COMS.	7,410 MBtu/hr; 750 Net MW	1970	ESP2; FGD system SCBR2 (1998); LNB/SOFA*(2010)
U3/ Stack S3	One (1) pulverized coal-fired boiler, using No. 2 fuel oil for ignition fuel. Stack S1 is equipped with SO_2, NO_X, and CO CEMS and a COMS.	7,410 MBtu/hr; 750 Net MW	1970	ESP3; FGD system SCBR3 (1997); LNB/SOFA*(2009)
AUX A	One (1) auxiliary boiler; using No. 2 fuel oil as fuel	308 MMBtu/hr	1970	N/A
AUX B	One (1) auxiliary boiler; using No. 2 fuel oil as fuel	308 MMBtu/hr	1970	N/A
Coal Handling Operations				
CT1	One (1) railcar unloading operation	10,000 tons/hr	1970	wet suppression
L1 - L12	Twelve (12) hopper feeders	2,400 tons/hr (total)	1970	wet suppression
BC-1 through BC-4	Four (4) conveyors to the yard surge bin	1,800 tons/hr (each)	1970	DC-8
BC-4A	One (1) conveyor to the batch weight system	100 tons/hr	1970	DC-8
BFD-5A, BC-5	Two (2) reclaim conveyors	1,800 tons/hr (each)	1970	DC-8
BC-6	One (1) conveyor to the yard surge bin	1,500 tons/hr	1970	DC-8
BC-6A through BC-6C	Three (3) conveyors to the stacker/reclaimer	1,800 tons/hr (each)	1970	wet suppression/ enclosure
BC-7	One (1) conveyor to the emergency reclaim hopper	1,500 tons/hr	1970	wet suppression
YSB-1	One (1) yard surge bin	1,800 tons/hr	1970	DC-8
BC-8A BC-8B	Two (2) conveyors to plant surge bin	1,500 tons/hr (each)	1970	DC-8
PSB-1	One (1) plant surge bin	3,000 tons/hr	1970	DC-5
BC-9A BC-9B	Two (2) conveyors to the coal silos for boilers U1 and U2	1,500 tons/hr (each)	1970	DC-5
BC-10A BC-10B	Two (2) conveyors to the coal silos for boiler U3	1,500 tons/hr (each)	1970	DC-5
CC-1A through CC-9A; CC-1B through CC-9B	Three (3) enclosed cascading conveying systems to the coal storage silos for boilers U1, U2, and U3	1,500 tons/hr (each)	1970	DC-1 through DC-4, DC-6, and DC-7
Silos 1A through 1G	Seven (7) storage silos for boiler U1	3,000 tons/hr (each)	1970	DC-1, DC-2, and baghouse PR-1.

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Commenced Construction Date	Control Method
Silos 2A through 2G	Seven (7) storage silos for boiler U2	3,000 tons/hr (each)	1970	DC-3, DC-4, and baghouse PR-2.
Silos 3A through 3G	Seven (7) storage silos for boiler U3	3,000 tons/hr (each)	1970	DC-6, DC-7, and baghouse PR-3.
CS	Outdoor coal storage piles	3,300 tons/hr (total)	1970	wet suppression
Limestone handling system associated with the FGD systems				
Unloading Bay A and B	Two (2) truck unloading operations	38 tons/hr (each)	1997	N/A
O-LSH-HOP-A	One (1) limestone unloading hopper	300 tons/hr	1997	DC-9
O-LSH-HOP-B	One (1) limestone unloading hopper	300 tons/hr	1997	DC-10
O-LSH-FDR-A	One (1) conveyor	300 tons/hr	1997	DC-9
O-LSH-FDR-B	One (1) conveyor	300 tons/hr	1997	DC-10
O-LSH-CNV-A	One (1) conveyor	300 tons/hr	1997	DC-9
O-LSH-CNV-B	One (1) conveyor	300 tons/hr	1997	DC-10
O-LSH-SILO-A and B	Two (2) limestone storage silos	300 tons/hr (each)	1997	DC-11
O-LSP-FDR-A and B	Two (2) enclosed feeders to the slurry preparation system	36 tons/hr (each)	1997	N/A
O-LSP-CNV-A and B	Two (2) enclosed cleanout conveyors	5 tons/hr (each)	1997	N/A
O-LSP-MILL-A and B	Two (2) ball mills	36 tons/hr (each)	1997	N/A
LS	Limestone storage piles	600 tons/hr (total)	1997	wet suppression
Fly ash handling system				
Silo 1	One (1) fly ash bin for boilers U1 and U2	46 tons/hr	1970	DC-S1/2
Silo 2	One (1) fly ash bin for boiler U3	46 tons/hr	1970	DC-S3
Silo 1 and 2 Loading	Two (2) partially enclosed fly ash truck loading operations	38 tons/hr (each)	1970	DC-S1/2 and DC-S3
DWB-A through DWB-F	Six (6) bottom ash truck loading operations. The bottom ash is processed in a wet form	46 tons/hr (each)	1970	wet suppression
Soda ash/lime handling systems				
SAB-1A, SAB-2A, SAB-1B, SAB-2B	Four (4) soda ash storage bins	0.4 tons/hr (each)	1970	dust collector BH-6
LB-1 and LB-2	Two (2) lime storage bins	0.57 tons/hr (each)	1970	dust collector BH-7

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Commenced Construction Date	Control Method
Miscellaneous Operations				
	Six (6) cooling towers	813,000 gal/min (total)	1970	N/A
TR	Fugitive emissions from unpaved roads	N/A	1970	wet suppression

II. Requirements for Specific Units

II.A. Federal Implementation Plan Requirements. The following requirements apply to coal-fired boilers U1, U2, and U3, coal and ash handling equipment, and the two auxiliary steam boilers at Navajo Generating Station. [40 CFR § 49.5513]

1. Definitions. The following definitions apply to Section II.A of this permit [40 CFR § 49.5513(c)]:

a. Absorber upset transition period means the 24-hour period following an upset of an SO_2 absorber module which resulted in the absorber being taken out of service.

b. Affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding. 40 CFR § 49.5513provides an affirmative defense to actions for penalties brought for excess emissions that arise during certain malfunction episodes.

c. Malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

d. Plant-wide means a weighted average of particulate matter and SO_2 emissions for boilers U1, U2, and U3 based on the heat input to each unit as determined by 40 CFR Part 75.

e. Point source means any crusher, any conveyor belt transfer point, any pneumatic material transferring, any baghouse or other control devices used to capture dust emissions from loading and unloading, and any other stationary point of dust that may be observed in conformance with Method 9 of Appendix A-4 of 40 CFR Part 60 (excluding stockpiles).

f. Regional Administrator means the Regional Administrator of the Environmental Protection Agency, Region 9, or his/her authorized representative.

g. Startup means the period from the start of fires in the boiler with fuel oil,

to the time when the electrostatic precipitator is sufficiently heated such that the temperature of the air preheater inlet reaches 400 degrees Fahrenheit and when a unit reaches 300 MW net load. Proper startup procedures shall include energizing the electrostatic precipitator prior to the combustion of coal in the boiler. 40 CFR § 49.5513 provides an affirmative defense to actions for penalties brought for excess emissions that arise during startup episodes. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

h. Shutdown means the time that begins when the unit drops below 300 MW net load with the intent to remove the unit from service. The precipitator shall be maintained in service until boiler fans are disengaged. 40 CFR § 49.5513 provides an affirmative defense to actions for penalties brought for excess emissions that arise during shutdown episodes. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.

i. Oxides of nitrogen (NOx) means the sum of nitrogen oxide (NO) and nitrogen dioxide (NO_2) in the flue gas, expressed as nitrogen dioxide.

2. Emissions Limitations and Control Measures [40 CFR § 49.5513(d)]:

a. Sulfur oxides (SO_2). The permittee shall not discharge or cause the discharge of sulfur oxides into the atmosphere from boilers U1, U2 and U3in excess of 1.0 pound per million British thermal units (lb/MMBtu) averaged over any three (3) hour period, on a plant-wide basis.

b. Particulate matter (PM). The permittee shall not discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.060 lb/MMBtu, on a plant-wide basis, as averaged from at least three sampling runs per stack, each at a minimum of 60 minutes in duration, each collecting a minimum sample of 30 dry standard cubic feet.

c. Dust. The permittee shall operate and maintain the existing dust suppression methods for controlling dust from the coal handling and storage facilities. A dust control plan was submitted by the permittee on June 4, 2010 in accordance with 40 CFR § 49.5513(d)(3) and attached as Attachment A. The permittee shall not emit dust with an opacity greater than 20% from any crusher, grinding mill, screening operation, belt conveyor, truck loading or unloading operation, or railcar unloading station, as determined using 40 CFR Part 60, Appendix A-4, Method 9.

d. Opacity. The permittee shall not discharge or cause the discharge of emissions from the stacks of boilers U1, U2, or U3 into the atmosphere exhibiting greater than 20% opacity, excluding condensed uncombined water droplets, averaged over any six (6) minute period and 40% opacity, averaged over six (6) minutes, during absorber upset transition periods.

3. Testing and Monitoring [40 CFR § 49.5513(e)]:

a. The permittee shall maintain and operate Continuous Emissions Monitoring Systems (CEMS) for NO_X and SO_2 and Continuous Opacity Monitoring Systems (COMS) on boilers U1, U2, and U3 in accordance with 40 CFR §§ 60.8 and 60.13(e), (f), and (h), and Appendix B of 40 CFR Part 60. The permittee shall comply with the quality assurance procedures for CEMS and COMS found in 40 CFR part 75.

b. The permittee shall conduct annual mass emissions tests for particulate matter on boilers U1, U2, and U3, operating at rated capacity, using coal that is representative of that normally used. The tests shall be conducted using the appropriate test methods in 40 CFR Part 60, Appendix A.

c. During any calendar year in which an auxiliary boiler is operated for 720 hours or more, and at other times as requested by the Administrator, the permittee shall conduct mass emissions tests for sulfur dioxide, nitrogen oxides and particulate matter on the auxiliary steam boilers, operating at rated capacity, using oil that is representative of that normally used. The tests shall be conducted using the appropriate test methods in 40 CFR Part 60, Appendix A. For particulate matter, testing shall consist of three test runs. Each test run shall be at least sixty (60) minutes in duration and shall collect a minimum volume of thirty (30) dry standard cubic feet.

d. The permittee shall maintain two sets of opacity filters for each type of COMS, one set to be used as calibration standards and one set to be used as audit standards. At least one set of filters shall be on site at all times.

e. All emissions testing and monitor evaluation required pursuant to 40 CFR § 49.5513(e) shall be conducted in accordance with the appropriate method found in 40 CFR Part 60, Appendices A and B.

f. The permittee shall install, maintain and operate ambient monitors at Glen Canyon Dam for particulate matter ($PM_{2.5}$ and PM_{10}), nitrogen dioxide, sulfur dioxide, and ozone. Operation, calibration and maintenance of the monitors shall be performed in accordance with 40 CFR Part 58, manufacturer's specification, and "Quality Assurance Handbook for Air

Pollution Measurements Systems", Volume II, U.S. EPA as applicable to single station monitors. Data obtained from the monitors shall be reported annually to the Regional Administrator. All particulate matter samplers shall operate at least once every six days, coinciding with the national particulate sampling schedule.

g. Nothing herein shall limit EPA's ability to ask for a test at any time under section 114 of the Clean Air Act, 42 U.S.C. § 7414, and enforce against any violation of the Clean Air Act or this section.

h. A certified EPA Reference Method 9 of Appendix A-4 of 40 CFR Part 60 observer shall conduct a weekly visible emission observation for the equipment and activities described under Condition II.A.2.c. If visible emissions are present at any of the equipment and/or activities, a 6-minute EPA Reference Method 9 observation shall be conducted. The name of the observer, date and time of observation, results of the observations, and any corrective actions taken shall be noted in a log.

4. **Reporting and Recordkeeping Requirements** [40 CFR § 49.5513(f)]: Unless otherwise stated all requests, reports, submittals, notifications and other communications to the Regional Administrator required by this section shall be submitted to the Director, Navajo Nation Environmental Protection Agency, P.O. Box 339, Window Rock, Arizona 86515, (928) 871-7692, (928) 871-7996 (facsimile), and to the Director, Air Division, U.S. Environmental Protection Agency, Region IX, to the attention of Mail Code: AIR-5, at 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3990, (415) 947-3579 (facsimile). For each unit subject to the emissions limitations in this section the permittee shall:

a. Comply with the notification and recordkeeping requirements for testing found in 40 CFR § 60.7. All data/reports of testing results shall be submitted to the Regional Administrator and postmarked within 60 days of testing.

b. For excess emissions, notify the Navajo Nation Environmental Protection Agency Director by telephone or in writing and the U.S. Environmental Protection Agency Regional Administrator by telephone, in writing or by email (*r9.aeo@epa.gov*) within one business day. A complete written report of the incident shall be submitted to the Regional Administrator within ten (10) working days after the event. This notification shall include the following information:

(i) The identity of the stack and/or other emissions points where excess emissions occurred;

(ii) The magnitude of the excess emissions expressed in the units of the applicable emissions limitation and the operating data and

calculations used in determining the magnitude of the excess emissions;

(iii) The time and duration or expected duration of the excess emissions;

(iv) The identity of the equipment causing the excess emissions;

(v) The nature and cause of such excess emissions;

(vi) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction; and

(vii) The steps that were taken or are being taken to limit excess emissions.

c. Notify the Regional Administrator verbally within one business day of determining that an exceedance of the NAAQS has been measured by a monitor operated in accordance with this regulation. The notification to the Regional Administrator shall include the time, date, and location of the exceedance and the pollutant and concentration of the exceedance. Compliance with Condition II.A.4.c.v shall not excuse or otherwise constitute a defense to any violations of this section or of any law or regulation which such excess emissions or malfunction may cause. The verbal notification shall be followed within fifteen (15) days by a letter containing the following information:

(i) The time, date, and location of the exceedance;

(ii) The pollutant and concentration of the exceedance;

(iii) The meteorological conditions existing 24 hours prior to and during the exceedance;

(iv) For a particulate matter exceedance, the 6-minute average opacity monitoring data greater than 20% for the 24 hours prior to and during the exceedance; and

(v) Proposed plant changes such as operation or maintenance, if any, to prevent future exceedances.

d. Submit quarterly excess emissions reports for sulfur dioxide and opacity as recorded by CEMS and COMS together with a CEMS data assessment report to the Regional Administrator no later than 30 days after each calendar quarter. The permittee shall complete the excess emissions reports according to the procedures in 40 CFR § 60.7(c) and (d) and include the Cylinder Gas Audit. Excess opacity due to condensed water vapor in the stack does not constitute a reportable exceedance; however, the length of time during which water vapor interfered with COMs readings should be summarized in the 40 CFR § § 60.7 (c) report.

5. **Compliance Certifications** [40 CFR § 49.5513(g)]:
Notwithstanding any other provision in this permit, the permittee may use any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certifications.

6. **Equipment Operations** [40 CFR § 49.5513(h)]:
The permittee shall operate all equipment or systems needed to comply with this section in accordance with 40 CFR § 60.11(d) and consistent with good engineering practices to keep emissions at or below the emissions limitations in this section, and following outages of any control equipment or systems the control equipment or system will be returned to full operation as expeditiously as practicable.

7. **Enforcement** [40 CFR § 49.5513(i)]:
   a. Notwithstanding any other provision in this permit, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed can be used to establish whether or not a person has violated or is in violation of any applicable standard.

   b. During periods of start-up and shutdown the otherwise applicable emission limits or requirements for opacity and particulate matter shall not apply provided that:

      (i) At all times the facility is operated in a manner consistent with good practice for minimizing emissions, and the permittee uses best efforts regarding planning, design, and operating procedures to meet the otherwise applicable emission limit;

      (ii) The frequency and duration of operation in start-up or shutdown mode are minimized to the maximum extent practicable; and

      (iii) The permittee's actions during start-up and shutdown periods are documented by properly signed, contemporaneous operating logs, or other relevant evidence.

   c. Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit. However, it shall be an affirmative defense in an enforcement action seeking penalties if the permittee has met with all of the following conditions:

(i) The malfunction was the result of a sudden and unavoidable failure of process or air pollution control equipment and did not result from inadequate design or construction of the process or air pollution control equipment;

(ii) The malfunction did not result from operator error or neglect, or from improper operation or maintenance procedures;

(iii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(iv) Steps were immediately taken to correct conditions leading to the malfunction, and the amount and duration of the excess emissions caused by the malfunction were minimized to the maximum extent practicable;

(v) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(vi) All emissions monitoring systems were kept in operation if at all possible; and

(vii) The permittee's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

8. Regional Haze Best Available Retrofit Technology (BART) Requirements [40 CFR § 49.5513(j)]:

a. Total cumulative NO_X emissions from boilers U1, U2, and U3, from January 1, 2009 to December 31, 2044, may not exceed the 2009-2044 NO_X Cap (494,899 tons). The permittee must implement the applicable operating scenario under 40 CFR § 49.5513(j)(3)(i) to ensure NO_X emission reductions sufficient to maintain total cumulative NO_X emissions from U1 through U3 below the 2009-2044 NO_X Cap. [40 CFR § 49.5513(j)(3)]

b. No later than December 1, 2019, the permittee must notify U.S. EPA of the applicable Alternative for ensuring compliance with the 2009-2044 NOx Cap. [40 CFR § 49.5513(j)(4)(i)]

c. Beginning in 2015, and annually thereafter until the earlier of December 22, 2044 or the date on which the permittee ceases conventional coal-fired electricity generation by all coal-fired Units at NGS, the permittee must report to U.S. EPA the annual heat input and the annual emissions of sulfur dioxide, carbon dioxide, and NO_X from the previous full

calendar year. In addition, the permittee must also report total cumulative emissions of NO_X from NGS to assure compliance with the 2009-2044 NO_X Cap and the 2009-2029 NO_X Cap (416,865 tons), if applicable. The permittee must make this report available to the public, either through a link on its website or directly on its website. The report must be made available within 30 days of the submittal deadline associated with the annual emission inventory required by this permit. [40 CFR § 49.5513(j)(4)(ii)]

d. No later than December 31, 2020, the permittee must submit an application to revise its existing Part 71 Operating Permit to incorporate the requirements and emission limits of the applicable Alternative to BART under 40 CFR § 49.5513(j)(3) and the NOx emission limits specified in § 49.5513(j)(4)(iii) . The Part 71 operating permit for NGS must incorporate practically enforceable limits for NO_X of 0.24 lb/MMBtu, on a 30-day rolling average basis, for each unit equipped with LNB/SOFA, and 0.07 lb/MMBtu, on a rolling average basis of 30 boiler operating days, for each unit equipped with SCR, as federally enforceable permit conditions. [40 CFR § 49.5513(j)(4)(iii)]

e. If Alternative B operating scenario, as defined in 40 CFR § 49.5513(j)(3)(i)(D), is selected, the permittee shall submit annual Emission Reduction Plans to the EPA as specified in 40 CFR § 49.5513(j)(4)(iv)(A-C). [40 CFR § 49.5513(j)(4)(iv)]

f. The permittee shall comply with the following requirements for NO_X CEMS [40 CFR § 49.5513(j)(5)]:

(i) At all times, the permittee must maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure NO_X, diluent, and stack gas volumetric flow rate from each unit. All hourly valid data will be used to determine compliance with the emission limitations for NO_X in Condition II.A.8.a for each unit. If the CEMs data is not valid, that CEMs data shall be treated as missing data and not used to calculate the emission average. CEMs data does not need to be bias adjusted as defined in 40 CFR part 75. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(ii) The permittee shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these Part 75 requirements, relative accuracy test audits shall be calculated for both the NO_X pounds per hour measurement and the heat input measurement. The calculation of NO_X pounds per hour and heat input relative accuracy shall be evaluated each time the CEMS

undergo relative accuracy testing.

g. The permittee shall maintain the following records for each of the coal-fired units until the earlier of December 22, 2044 or the date that conventional coal-fired operation of all units at NGS permanently ceases: [40 CFR § 49.5513(j)(7)]

(i) Records of all CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results as required by 40 CFR Part 75 and as necessary to calculate each unit's pounds of NO_X and heat input for each hour.

(ii) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR part 75.

(iii) Any other records required by 40 CFR part 75.

h. The permittee must notify EPA within two weeks after completion of installation of NO_X control technology on boiler U1, U2, or U3. [40 CFR § 49.5513(j)(8)(i)]

i. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate boilers U1-U3, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. [40 CFR § 49.5513(j)(10)]

II.B. PSD Permit Requirements [PSD Permits AZ 08-01 and AZ 08-01A]

Pursuant to the PSD Permits #AZ 08-01 issued on November 20, 2008 and #AZ 08-01A issued on February 8, 2012, the permittee shall comply with the following:

a. **Emission Limits**: The permittee shall comply with the following emission limits for each of the boilers U1 through U3: [PSD Permit AZ 08-01A, Condition IX.B]

a. CO emissions shall not exceed the following (BACT requirements):

(i) 0.23 lb/MMBtu based on a 30-day rolling average, and

(ii) 0.15 lb/MMBtu based on a 12-month rolling average.

b. NOx emissions shall not exceed 0.24 lb/MMBtu based on a 30-day rolling average.

2. At all times, including periods of startup and shutdown, the permittee shall, to the extent practicable, maintain and operate the LNB/SOFA system in a manner

consistent with good combustion practices to minimize emissions. [PSD Permit AZ 08-01A, Condition IX.D]

3. **Continuous Emission Monitoring Systems Requirements:** [PSD Permit AZ 08-01A, Condition IX.E]

   a. Within 60 days of completion of installation of each LNB/SOFA system, the permittee shall install, and thereafter operate, maintain: certify, and quality assure a continuous emission monitoring system (CEMS) for each boiler which measures stack gas CO concentrations in lb/MMBtu.

   b. The CO CEMS shall meet the applicable requirements of 40 CFR Part 60 Appendix B, Performance Specifications 3 and 4A, and 40 CFR Part 60 Appendix F, Procedure 1. The diluent monitor (O_2 or CO_2) must meet the requirements of 40 CFR Part 75.

   c. The permittee shall operate, maintain, and quality-assure according to the requirements of 40 CFR Part 75 a CEMS for each boiler which measures stack gas NOx concentrations in lb/MMBtu. The NOx CEMs must meet the requirements of 40 CFR Part 75.

   d. The CO CEMS shall complete a minimum of one cycle of operations (sampling, analyzing and data recording) for each successive 15-minute period.

   e. The CO CEMS shall be tested annually and quarterly in accordance with the requirements of 40 CFR 60 Appendix F, Procedure 1. The NOx CEMS shall meet the quality assurance requirement found in 40 CFR Part 75.

4. **Recordkeeping and Reporting Requirements** [PSD Permit AZ 08-01A, Condition IX.G]

   a. The permittee shall maintain records of the hours of operation for U1, U2 and U3 on a monthly basis.

   b. The permittee shall maintain records of the amount of fuel used in U1, U2 and U3 on a monthly basis.

   c. The permittee shall maintain all records on site of actual operating data and emissions calculations for emissions limits required in Condition II.B.1.

   d. The permittee shall maintain CEMS records that contain the following: the occurrence and duration of any startup, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, maintenance, duration of any periods during which a continuous

monitoring system or monitoring device is inoperative, and emission measurements.

e. The permittee shall maintain records and submit a written report of all excess emissions to EPA semi-annually. The report is due on the 30th day following the end of the calendar quarter and shall include the following:

(i) Time intervals, data and magnitude of the excess emissions, the nature and cause (if known), corrective actions taken and preventive measures adopted;

(ii) Applicable time and date of each period during which the CEMS was inoperative (monitor down time), except for zero and span checks, and the nature of system repairs or adjustments; and

(iii) A negative declaration when no excess emissions occurred or when the CEMS has not been inoperative, repaired, or adjusted.

6. Excess emissions shall be defined as any operating day in which the 30-day rolling average CO and NOx concentration, as measured by the CEMS, exceeds the maximum emission limits set forth in Condition II.B.1.

7. A period of monitor down time shall be any unit operating hour in which sufficient data are not obtained to validate the hour for CO, NOx, or O_2.

8. Excess emissions indicated by the CEMS shall be considered violations of the applicable emission limit.

II.C. CAM Requirements [40 CFR Part 64]

The permittee shall comply with the following monitoring requirements for each of the boilers U1, U2, and U3:

1. Monitoring

a. The indicator ranges are defined by the following thresholds: [40 CFR § 64.6(c)(1)(i)]

(i) For each Electrostatic Precipitator (ESP), no more than 3 chambers (18 fields) shall be out of service at one time.

(ii) If less than 2 spray levels are operating in each wet limestone scrubber, then for the same boiler, no more than 1 chamber (6 fields) shall be out of service in the ESP for that boiler.

(iii) For each wet limestone scrubber, the temperature shall not exceed

145°F on a 1 hour average, as measured by a J-type thermocouple.

(iv) No more than one wet limestone scrubber shall be bypassed at one time, and the same wet limestone scrubber shall not be bypassed for more than 1 hour.

b. The means or devices by which the indicators will be measured are as follows: [40 CFR § 64.6(c)(1)(ii)]

(i) Status bits from the Automatic Voltage Controllers (AVCs) shall be recorded on a continuous basis by the BHA WinDAC Data Acquisition and Control Software and supplemented with operating logs; these status bits indicate the number of chambers/fields that are operational in the ESPs.

(ii) The wet limestone scrubber spray level signal shall be recorded on a continuous basis by a data acquisition handling system.

(iii) A J-type thermocouple at the wet limestone scrubber exhaust shall measure the temperature of the exhaust and be recorded as an hourly average by a data acquisition system.

(iv) An on/off signal on the wet limestone scrubber indicating that the wet limestone scrubber is operational shall be recorded on a continuous basis by a data acquisition handling system.

b. The permittee shall conduct performance testing in accordance with 40 CFR § 64.4(d) to ensure that compliance with the particulate matter emission limits in Condition II.A.2.b can be achieved when more than 3 chambers of an ESP unit are out of service. The testing shall be conducted at the first possible opportunity, i.e. the earliest time during which more than 3 chambers are out of service in an ESP unit. [40 CFR § 64.6(c)(1)(iii)]

2. Excursions during normal operation of the boilers are defined below [40 CFR § 64.6(c)(2)]. Normal operation of the boiler is specified as any time the boiler is operating in its usual manner in accordance with good air pollution control practices for minimizing emissions.

a. When an ESP unit is operating with more than 3 chambers (18 fields) out of service.

b. When an ESP unit is operating with more than 1 chamber (6 fields) out of service and less than 2 spray levels are operating in the wet limestone scrubber associated with the same boiler.

c. When the exhaust temperature for a wet limestone scrubber exceeds 145°F for more than one unit on a 1 hour average basis.

d. When a wet limestone scrubber is bypassed for more than one unit and the

same wet limestone scrubber is bypassed for more than 1 hour.

3. The permittee shall continuously monitor and log the following measurements: [40 CFR § 64.6(c)(3), 40 CFR § 64.7(a)]:

   a. The number of chambers/fields in service for each ESP unit.

   b. The number of wet limestone scrubber spray levels in service for each boiler unit.

   c. The wet limestone scrubber exhaust temperatures at the absorber outlets of each boiler unit.

   d. The wet limestone scrubber on/off signal of each boiler unit.

4. At all times, the permittee shall maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment. [40 CFR § 64.7(b)]

5. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this permit, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions. [40 CFR § 64.7(c)]

6. Response to excursions or exceedances [40 CFR § 64.7(d)]

   a. Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such

as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

b. Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

7. If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify NNEPA and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters. [40 CFR § 64.7(e)]

8. Based on the results of a determination made under Condition II.C.6.b of this permit, NNEPA may require the permittee to develop and implement a Quality Improvement Plan (QIP). In addition, NNEPA may require the implementation of a QIP if an accumulation of exceedances or excursions exceeds 5 percent duration of each unit's (U1-U3) operating time for one calendar quarter. [40 CFR § 64.8(a)]

9. Reporting and Recordkeeping Requirements [40 CFR § 64.9]

a. A report for monitoring under this permit shall include, at a minimum, the information required under Condition III.C of this permit and the following information, as applicable [40 CFR § 64.9(a)(2)]:

(i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

(ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

(iii) A description of the actions taken to implement a QIP during the reporting period as specified in 40 CFR § 64.8. Upon completion

of a QIP, the permittee shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

b. The permittee shall comply with the recordkeeping requirements specified in Condition III.B of this permit. The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written QIP required pursuant to 40 CFR § 64.8 and any activities undertaken to implement a QIP, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring or records of monitoring maintenance or corrective actions) [40 CFR § 64.9(b)(1)].

c. Instead of paper records, the permittee may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements [40 CFR § 64.9(b)(2)].

II.D. Acid Rain Requirements [40 CFR Parts 72-78; Phase II Acid Rain Permit]

The permittee shall comply with the requirements listed in the attached acid rain permit renewal (see Attachment B).

II.E. Visibility Federal Implementation Plan Requirements [40 CFR § 52.145(d)]

1. Definitions. The following definitions apply to Condition II.E of this permit [40 CFR § 52.145(d)(1)]:

   a. "Administrator" means the Administrator of EPA or his/her designee.

   b. "Affected Units" means steam-generating units U1, U2 and U3 at the Navajo Generating Station, all of which are subject to the emission limitation in Condition II.E.2 of this permit.

   c. "Boiler Operating Day" for each of the boiler units at the Navajo Generating Station is defined as a 24-hour calendar day (the period of time between 12:01 a.m. and 12:00 midnight in Page, Arizona) during which coal is combusted in that unit for the entire 24 hours.

   d. "Unit-Week of Maintenance" means a period of 7 days during which a fossil fuel-fired steam-generating unit is under repair and no coal is combusted in the unit.

2. Emission limitation. The permittee shall not discharge or cause the discharge of sulfur oxides into the atmosphere in excess of 42 ng/J [0.10 pound per million British thermal units (lb/MMBtu)] heat input [40 CFR § 52.145(d)(2)].

3. Compliance determination. Compliance with the emission limit in Condition II.E.2 of this permit shall be determined daily on a plant-wide rolling annual basis as follows [40 CFR § 52.145(d)(3)]:

   a. For each boiler operating day at each steam generating unit subject to the emission limitation in Condition II.E.2 of this permit, the permittee shall record the unit's hourly SO_2 emissions using the data from the continuous emission monitoring systems, required in Condition II.E.4 of this permit, and the daily electric energy generated by the unit (in megawatt-hours) as measured by the megawatt-hour meter for the unit.

   b. Compute the average daily SO_2 emission rate in ng/J (lb/MMBtu) following the procedures set out in Method 19, Appendix A, 40 CFR Part 60 in effect on October 3, 1991.

   c. For each boiler operating day for each affected unit, calculate the product of the daily SO_2 emission rate (computed according to Condition II.E.3.b of this permit) and the daily electric energy generated (recorded according to Condition II.E.3.a of this permit) for each unit.

   d. For each affected unit, identify the previous 365 boiler operating days to be used in the compliance determination. Except as provided in Condition II.E.7 of this permit, all of the immediately preceding 365 boiler operating days will be used for compliance determinations.

   e. Sum, for all affected units, the products of the daily SO_2 emission rate-electric energy generated (as calculated according to Condition II.E.3.c of this permit) for the boiler operating days identified in Condition II.E.3d of this permit.

   f. Sum, for all affected units, the daily electric energy generated (recorded according to Condition II.E.3.a of this permit) for the boiler operating days identified in Condition II.E.3.d of this permit.

   g. Calculate the weighted plant-wide annual average SO_2 emission rate by dividing the sum of the products determined according to Condition II.E.3.e of this permit by the sum of the electric energy generated determined according to Condition II.E.3.f of this permit.

   h. The weighted plant-wide annual average SO_2 emission rate shall be used to determine compliance with the emission limitation in Condition II.E.2 of this permit.

4. Continuous emission monitoring. The permittee shall install, maintain, and operate continuous emission monitoring systems to determine compliance with the emission limitation in Condition II.E.2 of this permit as calculated in Condition II.E.3 of this permit. This equipment shall meet the specifications in Appendix B of 40 CFR Part 60 in effect on October 3, 1991. The permittee shall comply with the quality assurance procedures for continuous emission monitoring systems found in Appendix F of 40 CFR 60 in effect on October 3, 1991 [40 CFR § 52.145(d)(4)].

5. Reporting requirements. For each steam generating unit subject to the emission limitation in Condition II.E.2 of this permit, the permittee [40 CFR § 52.145(d)(5)]:

   a. Shall furnish the Administrator written notification, on a quarterly basis, on emissions of SO_2, and either oxygen or carbon dioxide, according to the procedures found in 40 CFR § 60.7 in effect on October 3, 1991.

   b. Shall furnish the Administrator written notification of the daily electric energy generated in megawatt-hours.

   c. Shall maintain records according to the procedures in 40 CFR § 60.7 in effect on October 3, 1991.

   d. Shall notify the Administrator by telephone, in writing, or by electronic mail sent to r9.aeo@epa.gov within one business day of any outage of the control system needed for compliance with the emission limitation in Condition II.E.2 of this permit and shall submit a follow-up written report within 30 days of the repairs stating how the repairs were accomplished and justifying the amount of time taken for the repairs.

6. Compliance dates. The requirements of Section II.E of this permit shall be applicable to all units at this facility beginning on August 19, 1999 [40 CFR § 52.145(d)(6)].

7. Exclusion for catastrophic failure. Any periods of emissions from an affected unit for which the Administrator finds that the control equipment or system for such unit is out of service because of catastrophic failure of the control system which occurred for reasons beyond the control of the permittee and could not have been prevented by good engineering practices will be excluded from the compliance determination. Events which are the consequence of lack of appropriate maintenance or of intentional or negligent conduct or omissions of the permittee or the control system design, construction, or operating contractors do not constitute catastrophic failure [40 CFR § 52.145(d)(10)].

8. Equipment operation. The permittee shall optimally operate all equipment or systems needed to comply with the requirements of this paragraph consistent with good engineering practices to keep emissions at or below the emission limitation in Condition II.E.2 of this permit, and following outages of any control equipment or system the control equipment or system will be returned to full operation as expeditiously as practicable [40 CFR § 52.145(d)(11)].

9. Maintenance scheduling. On March 16 of each year starting in 1993, the permittee shall prepare and submit to the Administrator a long-term maintenance plan for the Navajo Generating Station which accommodates the maintenance requirements for the other generating facilities on the Navajo Generating Station grid covering the period from March 16 to March 15 of the next year and showing at least 6 unit-weeks of maintenance for the Navajo Generating Station during the November 1 to March 15 period, except as provided in Condition II.E.10 of this permit. This plan shall be developed consistent with the criteria established by the Western Electric Coordinating Council of the North American Electric Reliability Corporation to ensure an adequate reserve margin of electric generating capacity. At the time that a plan is transmitted to the Administrator, the permittee shall notify the Administrator in writing if less than the full scheduled unit-weeks of maintenance were conducted for the period covered by the previous plan and shall furnish a written report stating how that year qualified for one of the exceptions identified in Condition II.E.10 of this permit [40 CFR § 52.145(d)(12)].

10. Exceptions for maintenance scheduling. The permittee shall conduct a full 6 unit-weeks of maintenance in accordance with the plan required in Condition II.E.9 of this permit unless the permittee can demonstrate to the satisfaction of the Administrator that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required because of the following [40 CFR § 52.145(d)(13)]:

    a. There is no need for 6 unit-weeks of scheduled periodic maintenance in the year covered by the plan;

    b. The reserve margin on any electrical system served by the Navajo Generating Station would fall to an inadequate level, as defined by the criteria referred to in Condition II.E.9 of this permit.

    c. The cost of compliance with this requirement would be excessive. The cost of compliance would be excessive when the economic savings to the permittee of moving maintenance out of the November 1 to March 15 period exceeds $50,000 per unit-day of maintenance moved.

    d. A major forced outage at a unit occurs outside of the November 1 to March 15 period, and necessary periodic maintenance occurs during the period of forced outage.

11. If the Administrator determines that a full 6 unit-weeks of maintenance during the November 1 to March 15 period should not be required, the permittee shall nevertheless conduct that amount of scheduled maintenance that is not precluded by the Administrator. Generally, the permittee shall make best efforts to conduct as much scheduled maintenance as practicable during the November 1 to March 15 period. [40 CFR § 52.145(d)(13)]

II.F. NSPS General Provisions [40 CFR Part 60, Subpart A]

The following requirements apply to the affected facilities in the limestone handling system in accordance with 40 CFR Part 60, Subparts A and OOO ("Standards of Performance for Nonmetallic Mineral Processing Plants") and to the emergency fire pump (NGS-120A) in accordance with 40 CFR Part 60, Subparts A and IIII ("Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"):

1. All requests, reports, applications, submittals, and other communications to the NNEPA pursuant to 40 CFR Part 60 shall be submitted in duplicate to the EPA Region 9 office at the following address [40 CFR § 60.4(a)]:

    Director, Air Division (Attn: AIR-1)
    EPA Region IX
    75 Hawthorne Street
    San Francisco, CA 94105

2. The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative [40 CFR § 60.7(b)].

3. The availability to the public of information provided to, or otherwise obtained by, the EPA Administrator under this permit shall be governed by 40 CFR § 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 CFR §§ 60.5 and 60.6 is governed by 40 CFR §§ 2.201 through § 2.213 and not by 40 CFR § 2.301.) [40 CFR § 60.9].

6. The opacity standards set forth in 40 CFR Part 60 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided [40 CFR § 60.11(c)].

7. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected facilities, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may

include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source [40 CFR § 60.11(d)].

8. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing in 40 CFR Part 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed [40 CFR § 60.11(g)].

9. The permittee shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere [40 CFR § 60.12].

10. With respect to compliance with all New Source Performance Standards (NSPS) of 40 CFR Part 60, the permittee shall comply with the "General notification and reporting requirements" found in 40 CFR § 60.19 [40 CFR § 60.19].

11. The permittee shall provide written notification to NNEPA and US EPA or, if acceptable to NNEPA, US EPA and the permittee, electronic notification to NNEPA and US EPA of any reconstruction of an affected facility, or any physical or operational change to an affected facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under this permit or in 40 CFR § 60.14(e) [40 CFR § 60.7(a)].

II.G. NSPS for Limestone Handling System, 40 CFR Part 60, Subpart OOO Requirements

The permittee shall comply with the following emission limitations applicable to affected facilities in the limestone handling system in accordance with 40 CFR Part 60, Subpart OOO ("Standards of Performance for Nonmetallic Mineral Processing Plants"):

1. Any transfer point on belt conveyors or any other affected facility shall not discharge any stack emissions which [40 CFR § 60.672(a)]:

   a. Contain particulate matter in excess of 0.05 g/dscm (0.022 gr/ dscf), and

   b. Exhibit greater than 7 percent opacity.

2. Any transfer point on belt conveyors or any other affected facility shall not discharge any fugitive emissions which exhibit greater than 10 percent opacity [40 CFR § 60.672(b)].

3. Any crusher at which a capture system is not used shall not discharge fugitive emissions which exhibit greater than 15 percent opacity [40 CFR § 60.672(c)].

4. Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher is exempt from the requirements of this 40 CFR § 60.672 [40 CFR § 60.672(d)].

5. If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in Conditions II.G.1, II.G.2, and II.G.3, or the building enclosing the affected facility or facilities must comply with the following emission limits:

   a. Fugitive emissions from building openings (except for vents, as defined in 40 CFR § 60.671) must not exceed 7 percent opacity [40 CFR § 60.672(e)(1)].

   b. Vents (as defined in 40 CFR § 60.671) in the building must meet the stack emission limits in Condition II.G.1 [40 CFR § 60.672(e)(2)].

6. Any baghouse that controls emissions from only an individual, enclosed storage bin, shall not discharge stack emissions which exhibit greater than 7 percent opacity [40 CFR § 60.672(f)].

II.H. Monitoring and Testing Requirements to Comply with NSPS for Limestone Handling System, 40 CFR Part 60, Subpart OOO

Pursuant to the Reopening Permit to this Part 71 Permit issued on November 13, 2003, the permittee shall comply with the following [40 CFR § 71.6(a)(3)]:

1. Once per five year permit term, and at such other times as specified by NNEPA, the permittee shall conduct performance tests for particulate matter emissions from the exhaust stacks of baghouses DC-9, DC-10, and DC-11 using EPA Method 5 or Method 17, and furnish US EPA and NNEPA a written report of the results of such test. The tests shall be conducted at the maximum operating capacity of the facility being tested. Upon written request from the permittee, NNEPA may approve the conducting of performance tests at a lower specified production rate. In addition to testing once per five year permit term, if during any 12 consecutive month period visible emissions are observed three times from any one baghouse, the permittee shall conduct a performance test on that baghouse within 120 days of the third observation. All observations of visible emissions by the permittee, US EPA, or NNEPA shall count toward the 12 month total.

2. The permittee shall conduct a weekly visual emission survey of the exhaust stacks of baghouses DC-9, DC-10, and DC-11. The weekly survey shall be conducted while the equipment is operating, and during daylight hours, by a person certified in EPA Method 9 (Visual Determination of the Opacity of Emissions from

Stationary Sources). If any visible emissions are observed, the permittee shall conduct an opacity test using EPA Method 9 within 24 hours while the equipment is operating in accordance with 40 CFR § 60.675.

3. For each visible emission observation or Method 9 opacity test, the permittee shall record and maintain the following records:

   a. the date and time of the observation and the name of the observer.

   b. the unit ID number.

   c. a statement of whether visible emissions were detected, and if so, whether they were observed continuously or intermittently.

   a. the results of the Method 9 test, if required.

II.I. NSPS for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart IIII Requirements

The following requirements apply to the emergency fire pump (NGS-120A) in accordance with 40 CFR Part 60, Subpart IIII ("Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"):

1. Emissions from engine NGS-120A shall not exceed the following [40 CFR § 60.4205(c)]:

   a. 4.0 g/KW-hr or 3.0 g/HP-hr for NMHC and NO_X emissions.

   b. 0.2 g/KW-hr or 0.15 g/HP-hr for PM emissions.

2. The permittee shall use diesel fuel for the emergency fire pump with the following per-gallon standards, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted: [40 CFR § 60.4207(b)]

   a. 15 ppm sulfur content; and

   b. Cetane index or aromatic content, as follows:

      (i) A minimum cetane index of 40; or

      (ii) A maximum aromatic content of 35 volume percent.

3. The permittee shall comply with the following operating requirements [40 CFR § 60.4211(a)]:

a. Operate and maintain the emergency fire pump (NGS-120A) according to the manufacturer's emission-related written instructions;

b. Change only those emission-related settings that are permitted by the manufacturer; and

c. Meet the requirements of 40 CFR Parts 89, 94 and/or 1068, as applicable.

4. The fire pump must be certified to the emission standards in Condition I.II.1 for the same model year and NFPA nameplate engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications. [40 CFR § 60.4211(c)]

5. The operation hours for the emergency fire pump (NGS-120A) shall be limited to the following [40 CFR § 60.4211(f)]:

a. No use time limit for emergency situations.

b. A maximum of 100 hours per calendar year for maintenance/testing and emergency demand response, as specified below, and for non-emergency situations:

(i) Maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine.

(ii) Emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference into 40 CFR § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) For periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

c. A maximum of 50 hours per calendar year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

II.J. NESHAP General Provisions [40 CFR Part 63, Subpart A]

1. Prohibited Activities and Circumvention [40 CFR § 63.4]

   a. The permittee shall not operate any affected source in violation of the requirements of 40 CFR Part 63. Affected sources subject to and in compliance with either an extension of compliance or an exemption from compliance are not in violation of the requirements of 40 CFR Part 63. An extension of compliance can be granted by the Administrator under this part.

   b. The permittee shall not fail to keep records, notify, report, or revise reports as required by 40 CFR Part 63.

   c. The permittee shall not build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard. Such concealment includes, but is not limited to:

      (i) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere; or

      (ii) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions.

2. The permittee shall follow the preconstruction review and notification requirements specified in 40 CFR § 63.5.

3. The permittee shall follow requirements for compliance with emission standards and operation and maintenance requirements specified in 40 CFR § 63.6(b).

4. Monitoring shall be conducted as set forth in 40 CFR § 63.8 and the relevant standard.

5. The permittee shall follow the notification requirements specified in 40 CFR § 63.9.

6. The permittee shall maintain files of all information (including all reports and notifications) required by 40 CFR Part 63 recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, on microfiche, or on other forms of electronic storage. [40 CFR § 63.10(b)(1)]

II.K. NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units, 40 CFR Part 63, Subpart UUUUU Requirements

Boilers U1, U2, and U3 are subject to 40 CFR Part 63, Subpart UUUUU ("National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units") and shall comply with the following requirements:

1. The permittee shall comply with the following schedule [Extension Approval Letter Dated January 27, 2014]:

    a. By April 1, 2015, submit to NNEPA a title V permit modification application that incorporates the final mercury control strategy.

    b. By October 1, 2015, commence construction to incorporate the mercury control strategy on-site.

    c. By April 16, 2016, complete on-site construction and comply with all mercury provisions of this NESHAP.

2. The permittee shall submit progress reports to both NNEPA and U.S. EPA that indicate the status of completion of each step of the compliance schedule listed in Condition II.K.1 within 30 days after the completion date for that step [Extension Approval Letter Dated January 27, 2014].

3. The permittee shall submit a final report to both NNEPA and U.S. EPA within 30 days after the final compliance deadline describing the chosen control technology and demonstrating that it is meeting the requirements under this NESHAP [Extension Approval Letter Dated January 27, 2014].

4. The permittee shall comply with the following emission limits [40 CFR § 63.9991(a)(1)]:

    a. By April 16, 2015, filterable PM emissions shall not exceed 0.03 lb/MMBtu or 0.3 lb/MWh.

    b. By April 16, 2015, SO_2 emissions shall not exceed 0.2 lb/MMBtu or 1.5 lb/MWh.

    c. By April 16, 2016, mercury (Hg) emissions shall not exceed 1.2 lb/TBtu or 0.013 lb/GWh.

5. After April 16, 2015, the permitttee shall conduct a tune-up of the EGU burners and combustion controls at least each 36 calendar months, or each 48 calendar months if neural network combustion optimization software is employed, as specified in 40 CFR §63.10021(e) [40 CFR § 63.9991(a)(1)].

6. After April 16, 2015, the permittee shall comply with the applicable monitoring, testing, recordkeeping, and reporting requirements under this NESHAP, 40 CFR 63, Subpart UUUUU, except for those applicable requirements pertaining to Hg, for which a compliance extension has been granted.

II.L. NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR Part 63, Subpart DDDDD Requirements

The following requirements apply to the auxiliary boilers (AUX A and AUX B) in accordance with 40 CFR Part 63, Subpart DDDDD ("National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters"):

1. The permittee shall comply with the applicable requirements specified under 40 CFR Part 63, Subpart DDDDD by January 31, 2016 [40 CFR § 63.7495(b)].

2. The permittee shall not operate either of the auxiliary boilers (AUX A and AUX B) for more than 10% of the annual capacity, in order to quality for "limited-use" units [40 CFR §§ 71.6(a)(1) and 63.7575(d)(3)].

3. The permittee shall complete a tune-up as specified below for each of the auxiliary boilers every 5 years [40 CFR § 63.7500(c) and 63.7540(a)(10)].

    a. As applicable, inspect the burner and clean or replace any components of the burner as necessary (the permittee may delay the burner inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection. At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;

    b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

    c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the permittee may delay the inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection;

d. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_X requirement to which the unit is subject;

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and

f. Maintain on-site and submit, if requested by the Administrator, an annual report containing the information specified below:

(i) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater; and

(ii) A description of any corrective actions taken as a part of the tune-up.

4. The permittee shall complete an initial tune-up for the affected boilers (AUX A and AUX B) no later than January 31, 2016. If the affected boilers have not operated between March 21, 2011 and January 31, 2016, the permittee shall complete an initial tune-up no later than 30 days after the re-start of the affected boilers [40 CFR § 63.7510(e) and (j)].

5. The permittee shall keep the following records:

(a) A copy of each notification and report submitted to comply with 40 CFR Part 63, Subpart DDDDD, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report, according to the requirements in 40 CFR § 63.10(b)(2)(xiv) [40 CFR § 63.7555(a)(1)].

(b) Records of compliance demonstrations as required in 40 CFR § 63.10(b)(2)(viii) [40 CFR § 63.7555(a)(2)].

(c) Fuel use records for the days the boiler was operating, in order to demonstrate compliance with Condition II.L.2 [40 CFR § 63.7525(k)].

(d) Records of the calendar date, time, occurrence, and duration of each startup and shutdown [40 CFR § 63.7555(i)].

(e) Records of the amount of fuels used during each startup and shutdown [40 CFR § 63.7555(j)].

6. The permittee shall submit a compliance report every 5 years. The first compliance report shall cover the time period of January 31, 2016 to January 31, 2021 and shall be postmarked or submitted no later than July 31, 2021. The report shall include the following: [40 CFR § 63.7550]

   (a) Company and Facility name and address;

   (b) Process unit information, emissions limitations, and operating parameter limitations;

   (c) Date of report and beginning and ending dates of the reporting period;

   (d) The total operating time during the reporting period;

   (e) The date of the most recent tune-up for each unit; and the date of the most recent burner inspection if it was delayed until the next scheduled or unscheduled unit shutdown.

II.M. NESHAP for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ Requirements

The following requirements apply to the diesel-fired emergency generators EG2, EG3, NPG-746, and the emergency fire pump NGS-120A in accordance with 40 CFR Part 63, Subpart ZZZZ ("National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"):

1. For emergency fire pump NGS-120A, compliance with the requirements of NSPS for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart IIII, specified in Condition II.I, fulfills the requirements of this NESHAP [40 CFR § 63.6590(c)].

2. The permittee shall comply with the following work practice requirements for engines EG2, EG3, and NPG-746 [40 CFR § 63.6602]:

   a. Change oil/filter every 500 hours of operation or annually, whichever comes first;

   b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;

   c. Inspect hoses/belts every 500 hours of operation or annually, whichever comes first, and replace as necessary; and

   d. Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the

engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

3. For the emergency generators EG2 and NPG-746, the permittee shall use ultra low sulfur diesel fuel (sulfur content = 15 ppmv) after January 1, 2015, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted [40 CFR § 63.6604(b)].

4. The permittee shall install a non-resettable hour meter for each of emergency generators EG2, EG3, and NPG-746 [40 CFR § 63.6625(f)].

5. The operation hours for each of the emergency generators EG2, EG3, and NPG-746 shall be limited to the following [40 CFR § 63.6640(f)]:

   a. No use time limit for emergency situations.

   b. A maximum of 100 hours per calendar year for maintenance/testing and emergency demand response, as specified below, and for non-emergency situations specified in Condition II.M.4.c:

      (i) Maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine.

      (ii) Emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference into 40 CFR § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

      (iii) For periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

   c. A maximum of 50 hours per calendar year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

6. The permittee shall keep the following records for the emergency generators EG2, EG3, and NPG-746 [40 CFR § 63.6655]:

a. Records of the maintenance conducted on the stationary RICE [40 CFR § 63.6655(e)].

b. Records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee shall document how many hours are spent for emergency operation, including what classified the operation as an emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in Condition II.M.5.b.(ii) or (iii), the permittee must keep records of the notification of the emergency situation and the date, start time, and end time of engine operation [40 CFR § 63.6655(f)].

7.

II.N. Operational Flexibility

1. **Clean Air Act Section 502(b)(10) Changes** [40 CFR § 71.6(a)(13)(i)] [NNOPR § 404(A)]

   a. The permittee may make Clean Air Act Section 502(b)(10) changes without applying for a permit revision if those changes do not cause the facility to exceed emissions allowable under this permit (whether expressed as a rate of emissions or in terms of total emissions) and are not modifications under Title I of the Clean Air Act. This class of changes does not include:

      (i) Changes that would violate applicable requirements (as defined in 40 CFR § 71.2, NNOPR § 102(11)); or

      (ii) Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

   b. For each proposed Clean Air Act Section 502(b)(10) change, the permittee shall provide written notification to the Director and the Administrator at least 7 days in advance of the proposed change. Such notice shall state when the change will occur and shall describe the change, any resulting emissions change, and any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy of this permit.

   c. Any permit shield provided in this permit shall not apply to any change made pursuant to Condition II.N.1.

III. Facility-Wide or Generic Permit Requirements

Conditions in this section of the permit (Section III) apply to all emissions units located at the facility [See 40 CFR § 71.6(a)(1)].

III.A. Testing Requirements [40 CFR § 71.6(a)(3)]

In addition to the unit-specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to NNEPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:

    1.0 Purpose of the Test
    2.0 Source Description and Mode of Operation During Test
    3.0 Scope of Work Planned for Test
    4.0 Schedule/Dates
    5.0 Process Data to be Collected During Test
    6.0 Sampling and Analysis Procedures
        6.1 Sampling Locations
        6.2 Test Methods
        6.3 Analysis Procedures and Laboratory Identification
    7.0 Quality Assurance Plan
        7.1 Calibration Procedures and Frequency
        7.2 Sample Recovery and Field Documentation
        7.3 Chain of Custody Procedures
        7.4 QA/QC Project Flow Chart
    8.0 Data Processing and Reporting
        8.1 Description of Data Handling and QC Procedures
        8.2 Report Content

2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to 110% of device design capacity).

3. Only regular operating staff may adjust the processes or emission control device parameters within two (2) hours before or during a compliance source test. All adjustments must be logged and a copy of the log submitted with the test report. No adjustments are to be made within two (2) hours before the start of the tests or during a test, if those adjustments are a result of consultation before or during the tests with source testing personnel, equipment vendors, or consultants. Such adjustments may render the source test invalid.

4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the permittee shall record the following information:

   a. Visible emissions.

   b. All parametric data which is required to be monitored in Section II for the emission unit being tested.

5. Each source test shall consist of at least three (3) valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.

6. Source test reports shall be submitted to NNEPA and U.S. EPA within 60 days of completing any required source test.

III.B. Recordkeeping Requirements [40 CFR § 71.6(a)(3)(ii)]

In addition to the unit-specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the permittee shall comply with the following generally applicable recordkeeping requirements:

1. The permittee shall keep records of required monitoring information that include the following:

   a. The date, place, and time of sampling or measurements;

   b. The date(s) analyses were performed;

   c. The company or entity that performed the analyses;

   d. The analytical techniques or methods used;

   e. The results of such analyses; and

   f. The operating conditions existing at the time of the sampling or measurement.

2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

3. The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Part 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records [40 CFR § 71.6(a)(3)(ii), 40 CFR § 60.7(f)].

III.C. Reporting Requirements [40 CFR § 71.6 (a)(3)(iii)]

1. The permittee shall submit to NNEPA and EPA Region 9 reports of any monitoring required under 40 CFR § 71.6(a)(3)(i)(A), (B), or (C) each six month reporting period from January 1 to June 30 and from July 1 to December 31. All reports shall be submitted to NNEPA and US EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition III.C.4 of this permit.

    a. A monitoring report under this section must include the following:

        (i) The company name and address.

        (ii) The beginning and ending dates of the reporting period.

        (iii) The emissions unit or activity being monitored.

        (iv) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.

        (v) All instances of deviations from permit requirements, including those attributable to upset conditions and exceedances as defined under 40 CFR § 64.1, and the date on which each deviation occurred.

        (vi) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.

(vii) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations.

(viii) All other monitoring results, data, or analyses required to be reported by the applicable requirement.

(ix) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

b. Any report required by an applicable requirement that provides the same information described in Condition III.C.1.a.(i) through (ix) above shall satisfy the requirement under Condition III.C.1.a.

c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 CFR §§ 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(i) A situation when emissions exceed an emission limitation or standard;

(ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

(iii) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

(iv) A situation in which an exceedance or excursion, as defined in 40 CFR § 64.1, occurs.

2. The permittee shall promptly report to the NNEPA and EPA Regional Office deviations from permit requirements, including those attributable to upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of "prompt" or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern.

Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

a. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made by telephonic, verbal, or facsimile communication within 24 hours of the occurrence.

b. For emissions of any regulated pollutant, excluding a hazardous air pollutant or a toxic air pollutant, that continue for more than two hours in excess of permit requirements, the report must be made by telephonic, verbal, or facsimile communication within 48 hours of the occurrence.

c. For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in Condition III.C.1 of this permit.

3. If any of the conditions in Condition III.C.2.a or b of this permit are met, the source must notify NNEPA and US EPA by telephone, facsimile, or electronic mail sent to tbbegay@navajo-nsn.gov and r9.aeo@epa.gov, based on the timetable listed. A written notice, certified consistent with Condition III.C.4 of this permit, must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under Condition III.C.1.

4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III.D. Protection of Stratospheric Ozone [40 CFR Part 82]

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:

a. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a Class I substance being introduced into interstate commerce must bear warning statements that comply with the requirements in 40 CFR § 82.106(a). [40 CFR § 82.124(a)(1)(i)]

b. On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are

substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in 40 CFR § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of 40 CFR § 82.106, unless such labeling is not required under 40 CFR §§ 82.106(b), 82.112(c) or (d), 82.116(a) or 82.118(a). [40 CFR § 82.124(a)(1)(ii)]

c. The placement of the required warning statement must comply with the requirements of 40 CFR § 82.108. [40 CFR § 82.124(a)(2)(i)]

d. The form of the label bearing the required warning statement must comply with the requirements of 40 CFR § 82.110. [40 CFR § 82.124(a)(3)(i)]

e. No person may modify, remove, or interfere with the required warning statement except as described in 40 CFR § 82.112. [40 CFR § 82.124(a)(4)]

2. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B [40 CFR § 82.150(b)]:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.

b. Equipment used during maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.

d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined in 40 CFR § 82.152) must comply with recordkeeping requirements pursuant to 40 CFR § 82.166.

e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR § 82.156.

f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of when the refrigerant was purchased and added to such appliances pursuant to 40 CFR § 82.166.

3. If the permittee produces, transforms, destroys, imports, or exports a Class I or Class II controlled substance, the permittee is subject to all the requirements in 40 CFR Part 82, Subpart A, Production and Consumption Controls [40 CFR § 82.1(b)].

4. If the permittee performs a service on a motor (fleet) vehicle when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners [40 CFR § 82.30(b)].

   The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used for refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant [40 CFR § 82.32(c), (d)].

5. The permittee shall be allowed to switch from any ozone-depleting substance to any acceptable substitute that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G.

III.E. Asbestos from Demolition and Renovation [40 CFR Part 61, Subpart M]

The permittee shall comply with the requirements of 40 CFR §§ 61.140 through 61.157 of the National Emission Standard for Asbestos for all demolition and renovation projects [40 CFR § 61.140].

III.F. Compliance Schedule [40 CFR §§ 71.5(c)(8)(iii) and 71.6(c)(3)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

IV. Title V Administrative Requirements

IV.A. Fee Payment [NNOPR Subpart VI] [40 CFR § 71.6(a)(7) and § 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [NNOPR §§ 603(A) and (B)]

   a. The permittee shall pay the annual permit fee by April 1 of each year.

   b. Fee payments shall be remitted in the form of a money order or certified check made payable to the Navajo Nation Environmental Protection Agency.

   c. The permittee shall send the fee payment to:

      Navajo Nation EPA Air Quality Control Program
      Operating Permit Program
      P.O. Box 529
      Fort Defiance, AZ 86504

2. The permittee shall submit a fee calculation worksheet form with the annual permit fee by April 1 of each year. Calculations of actual or estimated emissions and calculation of the fees owed shall be computed on the fee calculation worksheets provided by US EPA. Fee payment of the full amount must accompany each fee calculation worksheet. [40 CFR § 71.6(a)(7) and § 71.9(h)(1)]

3. The fee calculation worksheet shall be certified by a responsible official consistent with 40 CFR § 71.5(d). [40 CFR § 71.6(a)(7) and § 71.9(h)(2)]

4. Basis for calculating annual fee:

   The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all fee pollutants emitted from the source by the applicable emissions fee (in dollars/ton) in effect at the time of calculation. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM_{10}, shall be counted only once in determining the source's actual emissions. [NNOPR §§ 602(A) and (B)(1)]

   a. "Actual emissions" means the actual rate of emissions in tpy of any fee pollutant emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions shall not include emissions of any one fee pollutant

in excess of 4,000 TPY, or any emissions that come from insignificant activities [NNOPR § 102(5)].

b. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data [40 CFR § 71.6(a)(7) and § 71.9(h)(3)].

c. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].

d. The term "fee pollutant" is defined in NNOPR § 102(24).

e. The term "regulated air pollutant" is defined in NNOPR § 102(50), except that for purposes of this permit the term does not include any pollutant that is regulated solely pursuant to 4 N.N.C. § 1121 nor does it include any hazardous air pollutant designated by the Director pursuant to 4 N.N.C. § 1126(B).

f. The permittee should note that the applicable fee is revised each year to account for inflation, and it is available from NNEPA starting on March 1 of each year.

g. The total annual fee due shall be the greater of the applicable minimum fee and the sum of subtotal annual fees for all fee pollutants emitted from the source. [NNOPR § 602(B)(2)]

5. The permittee shall retain, in accordance with the provisions of 40 CFR § 71.6(a)(3)(ii), all fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include emissions-related forms provided by NNEPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii) [40 CFR § 71.6(a)(7) and § 71.9(i)].

6. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with NNOPR § 603(C).

7. When notified by NNEPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification [40 CFR § 71.9(j)(2)].

8. A permittee who thinks an NNEPA assessed fee is in error and wishes to challenge such fee, shall provide a written explanation of the alleged error to NNEPA along with full payment of the NNEPA assessed fee. [CFR § 71.9(j)(3)].

IV.B. Blanket Compliance Statement [CAA §§113(a) and 113(e)(1) and 40 CFR § 51.212(c), § 52.12(c), § 52.33, § 60.11(g), § 61.12(e), § 71.6(a)(6)(i) and (ii), and § 71.12]

1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued pursuant to 40 CFR Part 71 constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit [CAA § 113(a); 40 CFR §§ 71.6(a)(6)(i) and (ii), 71.12].

2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit are not limited to the applicable testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered in such determinations. [CAA § 113(a) and 113(e)(1); 40 CFR § 51.212(c), § 52.12(c), § 52.33, § 60.11(g), and § 61.12(e)]

IV.C. Compliance Certifications [40 CFR § 71.6(c)(1), (5)] [NNOPR § 302(I)]

1. The permittee shall submit to NNEPA and US EPA Region 9 a semi-annual certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 31 and July 31 of each year and covering the previous six-month period ending on December 31 and June 30, respectively. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Condition III.C.4 of this permit [40 CFR § 71.6(c)(1), (5)].

2. The certification shall include the following [40 CFR § 71.6(c)(5)(iii)]:

    a. Identification of each permit term or condition that is the basis of the certification.

    b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data.

    c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall identify as possible exceptions to compliance any periods during which

compliance is required but an excursion or exceedance has occurred pursuant to this permit.

d. Whether compliance with each permit term was continuous or intermittent.

e. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.

IV.D. Duty to Provide and Supplement Information [40 CFR § 71.6(a)(6)(v), 40 CFR § 71.5(b)]

The permittee shall furnish to NNEPA and US EPA Region 9, within a reasonable time, any information that NNEPA and US EPA Region 9 may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to NNEPA and US EPA Region 9 copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

IV.E. Submissions [40 CFR § 71.5(d), § 71.6(a)(iii)(A) and (c)(1), and § 71.9(h)(2)]

Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to NNEPA and US EPA Region 9:

Navajo Nation Air Quality Control Program
Operating Permit Program
P.O. Box 529
Fort Defiance, AZ 86504

and

Director, Air Division (Attn: AIR-1)

EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

IV.F. Severability Clause [40 CFR § 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

IV.G. Permit Actions [40 CFR § 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

IV.H Administrative Permit Amendments [40 CFR § 71.7(d)] [NNOPR § 405(C)]

The permittee may implement the changes outlined in subparagraphs (1) through (5) below immediately upon submittal of the request for the administrative revision. The permittee may request the use of administrative permit amendment procedures for a permit revision that:

1. Corrects typographical errors.

2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.

3. Requires more frequent monitoring or reporting by the permittee.

4. Allows for a change in ownership or operational control of a source where the NNEPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the NNEPA;

5. Incorporates into the Part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR §§ 71.7, 71.8 and 71.10 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR § 71.6.

6. Incorporates any other type of change which NNEPA has determined to be similar to those listed above in subparagraphs (1) through (5).

IV.I. Minor Permit Modifications [40 CFR § 71.7(e)(1)] [NNOPR § 405(D)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:

   a. Do not violate any applicable requirement.

   b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in this permit.

   c. Do not require or change a case-by-case determination of an emissions limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

   d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the permittee has assumed to avoid an applicable requirement to which the permittee would otherwise be subject. Such terms and conditions include:

      (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Clean Air Act Title I; and

      (ii) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act.

   e. Are not modifications under any provision of Title I of the Clean Air Act.

   f. Are not required to be processed as a significant modification.

2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (1) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:

a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

b. The permittee's suggested draft permit;

c. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

d. Completed forms for NNEPA and US EPA to use to notify affected States as required under 40 CFR § 71.8.

e. If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, and an outline of such effects.

4. The permittee may make the change proposed in its minor permit modification application immediately after submittal of such application. After the permittee makes the change allowed by the preceding sentence, and until NNEPA takes any of the actions specified in NNOPR § 405(D)(6)(a) through (c), the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. However, if the permittee fails to comply with its proposed permit terms and conditions during this period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5. The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications [40 CFR § 71.7(e)(1)(vi)].

IV.J. Group Processing of Minor Permit Modifications [40 CFR § 71.7(e)(2)]

1. Group processing of modifications by NNEPA may be used only for those permit modifications:

a. That meet the criteria for minor permit modification procedures under Condition IV.I.1 of this permit; and

b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or 5 tons per year, whichever is least.

2. An application requesting the use of group processing procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:

a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

b. The permittee's suggested draft permit.

c. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

d. A list of the permittee's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under Condition IV.J.1.b above.

e. Certification that the permittee has notified US EPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

f. Completed forms for NNEPA to use to notify affected States as required under 40 CFR § 71.8 and US EPA as required under 40 CFR § 71.10(d).

3. The permittee may make the changes proposed in its minor permit modification application immediately after it files such application. After the source makes the changes allowed by the preceding sentence, and until NNEPA takes any of the actions specified in NNOPR § 405(D)(6)(a) through (c), the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. However, if the permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

4. The permit shield under 40 CFR § 71.6(f) may not extend to group processing of minor permit modifications [40 CFR § 71.7(e)(2)(vi)].

IV.K. Significant Permit Modifications [40 CFR § 71.7(e)(3)] [NNOPR § 405(E)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:

a. Do not qualify as minor permit modifications or as administrative amendments.

b. Are significant changes in existing monitoring permit terms or conditions.

c. Are relaxations of reporting or recordkeeping permit terms or conditions.

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with Part 71 that would render existing permit compliance terms and conditions irrelevant.

3. The permittee must meet all requirements of Part 71 for applications for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change [40 CFR §§ 71.7(e)(3)(ii) and 71.5(a)(2)].

IV.L. Reopening for Cause [40 CFR § 71.7(f)]

NNEPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Clean Air Act become applicable to a major Part 71 source with a remaining permit term of 3 or more years.

2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

3. NNEPA or US EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

4. NNEPA or US EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.M. Property Rights [40 CFR § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.N. Inspection and Entry [40 CFR § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives from NNEPA and US EPA to perform the following:

1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

IV.O. Emergency Provisions [40 CFR § 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

    a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;

    b. the permitted facility was at the time being properly operated;

    c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

    d. the permittee submitted notice of the emergency to NNEPA within 2 working days of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition III.C.2 of this permit.

    e. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

2. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emissions limitation under this permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or

improper operation, or operator error.

IV.P. Transfer of Ownership or Operation [40 CFR § 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the NNEPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to NNEPA.

IV.Q. Off Permit Changes [40 CFR § 71.6(a)(12)] [NNOPR § 404(B)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit;

2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

3. Changes under this provision may not include changes or activities subject to any requirement under 40 CFR Parts 72 through 78 or that are modifications under any provision of Title I of the Clean Air Act;

4. The permittee must provide contemporaneous written notice to NNEPA and US EPA Region 9 of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted and any applicable requirements that would apply as a result of the change;

5. The permit shield does not apply to changes made under this provision; and

6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.R. Permit Expiration and Renewal [40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), and 71.7(b) and (c)]

1. This permit shall expire upon the earlier occurrence of the following events:

   a. five (5) years elapses from the date of issuance; or

   b. the source is issued a Part 70 permit by NNEPA, provided that EPA has granted the Navajo Nation treatment as a state and primacy for a Part 70 program and that NNEPA issues the permit consistent with the VCA.

2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.

3. If the permittee submits a timely and complete permit application for renewal that is consistent with 40 CFR § 71.5(a)(2), but NNEPA has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR § 71.6(f) may extend beyond the original permit term until renewal.

4. The permittee's failure to have a Part 71 permit is not a violation of 40 CFR Part 71 until NNEPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by NNEPA.

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.

6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.S. Additional Permit Conditions [Voluntary Compliance Agreement, Article 6]

This permit is issued pursuant to the Voluntary Compliance Agreement between the permittee and the Navajo Nation. The permittee shall comply with the terms of this permit and shall be subject to enforcement of the permit by the Navajo Nation EPA, pursuant to the terms of the Voluntary Compliance Agreement. The permittee's agreement to comply is effective upon the permittee's written acceptance of the permit and expires at the end of the permit term, unless the permit is renewed. The permittee's agreement to comply may be withdrawn during the permit term only if the Voluntary Compliance Agreement is terminated or expires as provided in that Agreement.

IV.T. Part 71 Permit Enforcement [Voluntary Compliance Agreement, Section 5.4.5; 40 CFR § 71.12]

1. The Navajo Nation has the authority to:

   a. Develop compliance plans and schedules of compliance;

b. Conduct compliance and monitoring activities, including review of monitoring reports and compliance certifications, inspections, audits, conducting and/or reviewing stack tests, and issuing requests for information either before or after a violation is identified; and

c. Conduct enforcement-related activities, including issuance of notices, findings, and letters of violation, and development of cases up to, but not including, the filing of a complaint or order.

2. Violations of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued pursuant to 40 CFR Part 71 are violations of the Clean Air Act and are subject to full Federal enforcement authorities available under the Clean Air Act.

Attachment A

Dust Control Plan

Attachment B

Phase II Acid Rain Permit Renewal